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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,129	05/05/2004	Raymond Heidel	359999.33	7232

7590 02/26/2008

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 02/26/2008

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10840129	5/5/04	HEIDEL, RAYMOND	359999.33

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EXAMINER

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Commissioner for Patents

The Appeal Brief filed on 10/10/2007 is still defective for the reasons set forth in the Notice of Non-Compliant Appeal Brief of 1/7/08.

In response, the Appellant submitted the Amended Appeal Brief of 1/17/08.

As cited in element #2 of the Notice, the appealed claims are not properly identified. Appellant's Brief at p.3 does not state, i.e., identify, Claims 26-30 as being appealed.

As cited in element #4 of the Notice, the Appellant was informed that the brief does not contain a concise explanation of the subject matter defined in each of the independent claims. In response to the Appellant submitted the Appeal Brief of 1/17/08, which still does not present a concise explanation of the subject matter in the form required. Specifically, Appellant does not cite to the specification by page and line number and does not provide reference numerals (37 CFR 41.37(c)(1)(b)). Appellant merely provides citations to the pre-grant publication, rather than the specification. Therefore, the Appeal Brief of 10/5/07 is defective.

The Notice of Non-Compliant Appeal Brief of 1/7/08 set forth a one month time period for reply. That time period remains. Extensions of time are available (37 CFR 41.37(d)).

/Patrick H. Mackey/
Supervisory Patent Examiner, Art Unit 3653